

Appln No. 10/748,197
Amdt date September 28, 2010
Reply to Office action of May 28, 2010

REMARKS/ARGUMENTS

Claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28 remain in the present application, of which claims 1, 8, 14, and 20 are independent. Claims 4, 7, 9-11, 13, 15-19, and 23 are canceled. No new matter has been added. Applicants respectfully request reconsideration and allowance of claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5, 6, 8, 12, 20-22, and 22-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Akoin et al. (JP 2003-031201). In particular, the Examiner asserts that Akoin teaches an electrode assembly comprising electrode tabs formed by folding uncoated cut portions of current collector plates, wherein each cut portion is formed by a cut beginning at a lower edge of the collector plate and extending more than half of the width thereof.

The September 2, 2010 Advisory Action recites, in relevant part:

The evidence provided is not commensurate in scope with all of the claims. The evidence points to the folding of the current collector however claim 1 includes the first electrolyte tab extends past the upper edge of the first electrode current collector is disposed at substantially the center of the battery unit and partially overlaps and faces the second electrode tab. Therefore the evidence does not provide facts showing the conception of the invention prior to the effective date.

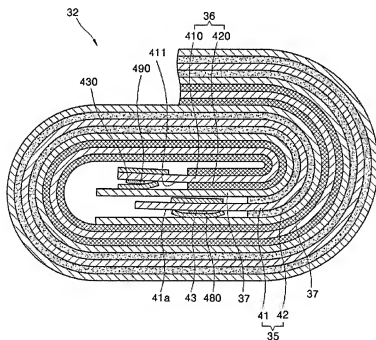
As a point of clarification, the instant application is based on Korean Patent Application No. 10-2003-0010410 (the "priority application"), filed on February 19, 2003, in the Korean Intellectual Property Office. A certified copy of Korean Patent Application No. 10-2003-0010410 was filed in the United States Patent and Trademark Office on September 25, 2007, as acknowledged by the Examiner on page 1 of the Office Action.

Further, enclosed is a copy of a final draft of the priority application that was prepared prior to January 31, 2003 which, together with the Rule 1.131 Affidavit filed with the response after final of August 26, 2010, establish conception of the present invention prior to January 31, 2003.

Applicants respectfully submit that the final draft of the priority application provides support for the claims. For example, page 11 of the translation of the final draft of the priority application recites, in relevant part, referring to FIG. 6 (reproduced below):

The negative electrode tab 430 is wound such that the positive electrode current collector 41 partially overlaps at the center of the battery unit 31. Since two opposite electrode tabs 43 and 430 are disposed at the center of the battery unit 31 in such a manner, current collection can be more effectively achieved.

FIG. 6



From the period prior to January 31, 2003 until the filing of the priority application (Korean Patent Application No. 10-2003-0010410) on February 19, 2003, Applicants worked diligently with the Korean patent attorney to prepare a patent application describing the subject matter set forth in the invention disclosure form.

As such, it is respectfully submitted that the applicants have established a date of invention of at least January 30, 2003. MPEP 201.15. Since Akoin has a publication date of

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January 31, 2003, it is respectfully submitted that Akoin is not available as prior art under 35 U.S.C. §102(a), since Akoin was not patented or described in a printed publication, prior to the applicants' invention. MPEP 706.02(a). Since Akoin does not appear to otherwise qualify as prior art, it is respectfully requested that the Examiner withdraw the rejection of claims 1-3, 5-6, 8, 12, 20-22, and 24-26, in view of Akoin.

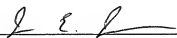
Claims 14, 27, and 28 are rejected under 35 U.S.C. §103(a), as being unpatentable over Akoin et al. (JP 2003-031201) in view of Narukawa et al. (U.S. Patent No. 5,834,133).

In view of the above remarks, Applicants respectfully submit that Akoin is not available as prior art. Therefore, Applicants respectfully request that this rejection be withdrawn and that claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28 be allowed.

Concluding remarks

In view of the foregoing remarks, Applicants earnestly solicit a timely issuance of a Notice of Allowance with claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call the Applicants' attorney at the number listed below.

Respectfully submitted,
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